



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2021-0917; Airspace Docket No. 21-ANM-45]

RIN 2120-AA66

Modification of Class E airspace; Kit Carson County Airport, Burlington, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This action modifies the Class E airspace extending upward from 700 feet above the surface of the Earth, and removes the Class E airspace extending upward from 1,200 feet above the surface of the Earth at Kit Carson County Airport, Burlington, CO. This action ensures the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, May 19, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at

https://www.faa.gov/air_traffic/publications/. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783. FAA Order JO 7400.11F is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email fr.inspection@nara.gov or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

FOR FURTHER INFORMATION CONTACT: Nathan A. Chaffman, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198; telephone (206) 231-3460.

SUPPLEMENTARY INFORMATION:

Authority for this Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend Class E airspace extending upward from 700 feet above ground level, and remove Class E airspace extending upward from 1,200 feet above ground level to support IFR operations at Kit Carson County Airport, Burlington, CO.

History

The FAA published a notice of proposed rulemaking (NPRM) in the *Federal Register* (86 FR 60423; November 2, 2021) for Docket No. FAA-2021-0917 to modify Class E airspace at Kit Carson County Airport, Burlington, CO. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication of the NPRM, the FAA discovered that it had inadvertently left out the proposed removal of the Class E airspace extending upward from 1,200 feet above the surface of the earth from the Class E airspace legal description. The FAA is removing this airspace area from the Class E legal description because the area is contained within the Denver Class E6 domestic en route airspace area, and duplication is not necessary.

Class E5 and Class E6 airspace designations are published in paragraphs 6005 and 6006, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the ADDRESSES section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

The FAA is amending 14 CFR part 71 by modifying Class E airspace extending upward from 700 feet above the surface of the Earth at Kit Carson County Airport, Burlington, CO. This airspace is designed to contain departing IFR aircraft until reaching 1,200 feet above the surface and arriving IFR aircraft descending below 1,500 feet above the surface. To properly contain IFR operations at the airport, the radius of the airspace is increased from a “6.5-mile” radius to a “7-mile” radius from the 207° bearing from the airport clockwise to the 268° bearing from the airport. Additionally, extensions to the south, northwest, and north of the airport are established to contain IFR departures to 1,200 feet above the surface and IFR arrivals descending below 1,500 feet above the surface. The southern extension is established within 2.6 miles on each side of the 160° bearing from the airport, extending from the 6.5-mile radius to 8.5 miles south of the airport. The northwest extension is established within 2.6 miles on each side of the 326° bearing from the airport, extending from the 6.5-mile radius to 7.5 miles northwest of the airport. The northern extension is established within 1.0 mile on each side of the 340° bearing from the airport, extending from the 6.5-mile radius to 10.8 miles north of the airport. Additionally, the Class E airspace extending upward from 1,200 feet above the surface of the

earth, excluding the airspace within the State of Kansas, is removed. The area is contained within the Denver Class E6 domestic en route airspace area, and duplication is not necessary. Finally, this action updates the Class E legal description, lines two and three. The second line of the text header is updated from “Burlington, Kit Carson County Airport, CO” to “Kit Carson County Airport”, to match the FAA database. Additionally, the third line of the text header is updated from “(lat. 39°14’41”N., long. 102°17’05”W.) to “(lat. 39°14’33”N., long. 102°17’07”W.)” to match the FAA database.

Class E5 and Class E6 airspace designations are published in paragraphs 6005 and 6006, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial, and unlikely to result in adverse or negative comments. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” paragraph 5-6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71 - DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 6005. Class E Airspace Areas Extending Upward from 700 Feet or more above the Surface of the Earth.

* * * * *

ANM CO E5 Burlington, CO [Amended]

Kit Carson County Airport, CO

(lat. 39°14'33"N., long. 102°17'07"W.)

That airspace extending upward from 700 feet above the surface within 6.5-mile radius of the Kit Carson County Airport, and within a 7.0-mile radius of the airport from the 207° bearing from the airport clockwise to the 283° bearing from the airport, and within 2.6 miles on each side of the 160° bearing from the airport, extending from the 6.5-mile radius to 8.5 miles south of the

airport, and within 2.6 miles on each side of the 326° bearing from the airport, extending from the 6.5-mile radius to 7.5 miles northwest of the airport, and within 1.0 mile on each side of the 340° bearing from the airport, extending from the 6.5-mile radius to 10.8 miles north of the airport.

Issued in Des Moines, Washington, on February 8, 2022.

B. G. Chew

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